

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CARA LESLIE ALEXANDER,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil No. 96-2123
	)	97-1288
	)	(RCL)
FEDERAL BUREAU OF	)	
INVESTIGATION, et al.,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motion [596] for Leave to Depose Deborah Gorham; Non-Party Deborah Gorham's Motion [N/D] for Protective Order; and Plaintiffs' Unopposed Motion [624] for Extension of Time to File Opposition to Non-Party Deponent Deborah Gorham's Motion for Protective Order. Upon consideration of these motions, all applicable oppositions, and corresponding replies thereto, the court will GRANT Plaintiffs' Motion [596] for Leave to Depose Deborah Gorham; DENY Non-Party Deborah Gorham's Motion [N/D] for Protective Order; and GRANT nunc pro tunc Plaintiffs' Unopposed Motion [624] for Extension of Time to File Opposition to Non-Party Deponent Deborah Gorham's Motion for Protective Order.

I. Introduction

The underlying allegations in this case arise from what has

become popularly known as "Filegate." Plaintiffs allege that their privacy interests were violated when the FBI improperly handed over to the White House hundreds of FBI files of former political appointees and government employees from the Reagan and Bush Administrations.

The dispute now before the court centers around a potential non-party fact witness, Deborah Gorham. Because plaintiffs have already exhausted their presumptive limit of twenty depositions set by the court in this case, they now seek leave to depose Gorham. Gorham is a former employee of the White House Counsel's Office, where she worked as an assistant to William Kennedy and Vincent Foster. According to plaintiffs' allegations, the White House Counsel's Office played an integral role in the misuse of plaintiffs' FBI file information.

Gorham's potential connection to this lawsuit became apparent in the deposition of Linda Tripp. Tripp testified that she saw the FBI file of Billy Dale, a former White House Travel Office employee, in the safe of Bernard Nussbaum, a defendant in the current suit. Dale's file, along with other plaintiffs' files, was admittedly requested by the Clinton White House through former White House Counsel Nussbaum. Tripp believes that Gorham also saw Dale's file in Nussbaum's safe. Additionally, plaintiffs believe that Gorham may have some knowledge of relevant facts as to certain FBI files that Tripp testified another White House Counsel's Office employee, Betsy Pond, was allegedly using when loading certain information onto a White House Counsel's Office database. For these reasons, plaintiffs ask for leave to depose Gorham in order to explore her knowledge of relevant facts as to the handling and

potential misuse of FBI files in the White House Counsel's Office. Non-party Gorham, on the other hand, does not oppose being deposed, but seeks a protective order limiting the time allowed for this deposition and the subject matter involved.

## II. Analysis

### *1. Plaintiffs' Motion for Leave to Depose Deborah Gorham*

The court will grant plaintiffs leave to depose Gorham as unopposed. Even Defendant EOP acknowledges that Gorham at least have some tangential connection to the allegations presented in this litigation." Defendant EOP's Response at 4. Defendant EOP's only request is that they be allowed equal time as plaintiffs to examine Gorham. The court will address this , plaintiffs' motion for leave will be granted.

### *2. Non-Party Deborah Gorham's Motion for Protective Order*

Non-party Gorham asks the court to grant her a protective order in two ways. First, Gorham wants a six-hour-total limit to be set on the deposition. Second, Gorham asks that the court restrict plaintiffs' questioning to the topics of White House Counsel's Office files and any conversations that she may have knowledge of between Tripp, Pond, and herself. The court will deny non-party Gorham's motion.

First, the court notes that the parties are already proceeding under a six-hour time limit on depositions, absent some other agreement between the parties. The court's order of August 12,

1997 stated that "each side shall be presumptively limited to 20 depositions, presumptively of 6 hours each, absent leave of court." Order of August 12, 1997, at 2. Thus, each deposition should already be limited in the manner Gorham requests. Therefore, her request in this regard will be denied as moot. Moreover, the court will deny defendant EOP's related request to receive equal time as plaintiffs in deposing Gorham. The court will not start down the road of micro-managing every detail of a deposition, down to an apportionment of time. If defendant EOP cannot reach an agreement with the plaintiffs and the deponent as to how much time it should be allowed, once it has the benefit of seeing what questions plaintiffs ask, then defendant EOP may move for leave of court for an enlargement of time to depose Gorham. The court will not, however grant defendant EOP's request at this juncture.

Second, the court will deny Gorham's request for a protective order that would limit the subject matter of plaintiffs' questioning. Plaintiffs are well aware of the limits of discovery in this case and the consequences for exceeding those bounds. The six-hour total limitation should give Gorham sufficient protection from any "undue burden" that she may be exposed to in having to answer plaintiffs' questions. When this six-hour limitation is kept in mind, Gorham has failed to show good cause for the entry of a protective order. Thus, her second request will also be denied.

### III. Conclusion

For the reasons stated above, the court HEREBY ORDERS that:

1. Plaintiffs' Motion [596] for Leave to Depose Deborah Gorham is GRANTED.

2. Non-Party Deborah Gorham's Motion [N/D] for Protective Order is DENIED.

3. Plaintiffs' Unopposed Motion [624] for Extension of Time to File Opposition to Non-Party Deponent Deborah Gorham's Motion for Protective Order is GRANTED.

SO ORDERED.

Date:

Royce C. Lamberth  
United States District Court